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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number

10/749,539

Filing Date

12/30/2003

First Named Inventor

Joshua D. Rabinowitz

Art Unit

Not yet known

Examiner Name

To be assigned

Attorney Docket Number

00036.07CON

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Info. Discr. Statement (2 pp.) Form 1449 (3 copies, 8 pages each) Copy of <u>References</u> 169 Return Postcard	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	ALEXZA MDC, 1001 East Meadow Circle, Palo Alto, CA 94303 Elaine C. Stracker, Ph.D., J.D. Telephone (650)-687-3905	Customer Number 37485
Signature		
Date	SEP. 24 2004	

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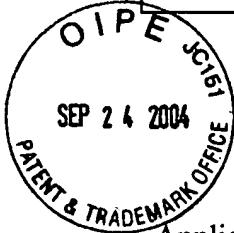
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PATENT
Attorney's Docket No.: 00036.07CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rabinowitz et al.

Serial No.: 10/749,539

Filed: 12/30/2003

Title DELIVERY OF OPIOIDS THROUGH AN INHALATION ROUTE

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Commissioner for Patents
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INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with their continuing duty of disclosure under 37 CFR §§ §1.97, 1.98 and 1.56, Applicants hereby submit for consideration in the above-identified application the enclosed references. The Information Disclosure statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

For the convenience of the Examiner, the references are listed on a PTO Form 1449 (attached) and copies thereof are enclosed. Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines than an extension and/or other relief is required, Applicants petition for any required relief including any extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 502731**. Please direct all correspondence to the following customer number.

Respectfully submitted,

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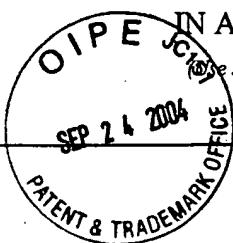
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Form PTO-1449		Docket Number: 00036.07 CON	Application Number: 10/749,539
INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(use several sheets if necessary)</i>		Applicant: Joshua D. RABINOWITZ et al.	
		Filing Date: 12/30/2003	Group Art Unit: Not Yet Known



U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	07/16/1968	3,393,197	Pachter et al.			
	2.	05/27/1980	Re. 30,285	Babington			
	3.	02/14/1995	5,388,574	Ingebrethsen			
	4.	09/19/1995	5,451,408	Mezei et al.			
	5.	08/06/1996	5,543,434	Weg			
	6.	08/13/1996	5,544,646	Lloyd et al.			
	7.	08/12/1997	5,655,523	Hodson et al.			
	8.	12/09/1997	5,694,919	Rubsamen et al.			
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	11.	06/08/1999	5,910,301	Farr et al.			
	12.	06/02/1998	5,758,637	Ivri et al.			
	13.	06/29/1999	5,915,378	Lloyd et al.			
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	20.	07/15/2003	6,591,839	Meyer et al.			
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	23.	05/16/2002	US 2002/0058009	Bartus et al.			
	24.	07/04/2002	US 2002/0086852	Cantor			
	25.	08/22/2002	US 2002/0112723	Schuster et al.			

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	26.	11/28/2002	US 2002/0176841	Barker et al.			
	27.	01/02/2003	US 2003/0004142	Prior et al.			
	28.	02/13/2003	US 2003/0032638	Kim et al.			

RELATED ALEXZA MOLECULAR DELIVERY CORPORATION PATENT DOCUMENTS

	29.	08/04/2003	10/633,876	Hale et al.			
	30.	08/04/2003	10/633,877	Hale et al.			
	31.	12/30/2003	10/749,537	Rabinowitz et al.			
	32.	01/27/2004	10/766,149	Rabinowitz et al.			
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	38.	01/28/2004	10/767,115	Rabinowitz et al.			
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	47.	02/09/2004	10/775,583	Rabinowitz et al.			
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	52.	03/03/2004	10/792,013	Rabinowitz et al.			
	53.	03/03/2004	10/792,096	Hale et al.			

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54.	03/03/2004	10/792,239	Hale et al.			
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83.	01/23/2003	US 2003/0017120	Rabinowitz et al.			

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84.	1/30/2003	US 2003/0021753	Rabinowitz et al.			
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101.	07/01/2004	US 2004/0127481	Rabinowitz et al.			
102.	07/01/2004	US 2004/0127490	Rabinowitz et al.			
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104.	08/12/2004	US 2004/0156789	Rabinowitz et al.			
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106.	08/12/2004	US 2004/0156791	Rabinowitz et al.			

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Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	107.	03/14/1990	EP 0 358 114	Europe			

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108.	07/03/2001	EP 1 080 720	Europe		
109.	08/29/2001	EP 0 606 486	Europe		
110.	07/12/1990	WO 90/07333	WIPO		
111.	06/13/1991	WO 91/07947	WIPO		
112.	11/23/1995	WO 95/31182	WIPO		
113.	04/11/1996	WO 96/09846	WIPO		
114.	05/09/1996	WO 96/13161	WIPO		
115.	05/09/1996	WO 96/13290	WIPO		
116.	05/09/1996	WO 96/13291	WIPO		
117.	05/09/1996	WO 96/13292	WIPO		
118.	10/03/1996	WO 96/30068	WIPO		
119.	08/07/1997	WO 97/27804	WIPO		
120.	05/28/1998	WO 98/22170	WIPO		
121.	07/23/1998	WO 98/31346	WIPO		
122.	07/23/1998	WO 98/31346	WIPO		
123.	08/27/1998	WO 98/36651	WIPO		
124.	04/08/1999	WO 99/16419	WIPO		
125.	12/16/1999	WO 99/64094	WIPO		
126.	01/06/2000	WO 00/00176	WIPO		
127.	01/06/2000	WO 00/00215	WIPO		
128.	05/18/2000	WO 00/27363	WIPO		
129.	05/25/2000	WO 00/29053	WIPO		
130.	06/22/2000	WO 00/35417	WIPO		
131.	09/17/2000	WO 00/47203	WIPO		
132.	11/02/2000	WO 00/64940	WIPO		
133.	11/09/2000	WO 00/66084	WIPO		
134.	11/09/2000	WO 00/66206	WIPO		
135.	12/21/2000	WO 00/76673	WIPO		
136.	01/25/2001	WO 01/05459	WIPO		
137.	03/15/2001	WO 01/17568	WIPO		
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138.	06/14/2001	WO 01/41732	WIPO			
139.	03/28/2002	WO 02/24158	WIPO			
140.	03/28/2002	WO 02/24158	WIPO			

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(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	141.	Bennett, R.L. et al. (1981). "Patient-Controlled Analgesia: A New Concept of Postoperative Pain Relief," <i>Annual Surg.</i> 195(6):700-705.
	142.	Campbell, Fiona A. et al. (2001) "Are cannabinoids an effective and safe treatment option in the management of pain? A qualitative systematic review," <i>BMJ</i> , 323 pp.1-6.
	143.	Carroll, M.E. et al. (1990), "Cocaine-base smoking in rhesus monkeys: reinforcing and physiological effects," <i>Psychopharmacology (Berl)</i> . 102:443-450.
	144.	Cichewicz, Diana L. et al. (1999) "Enhancement of u Opioid Antinociception by Oral Delta-9-Tetrahydrocannabinol: Dose-Response Analysis and Receptor Identification," <i>The Journal of Pharmacology and Experimental Therapeutics</i> 289(2):859-867.
	145.	Clark, A. and Byron, P. (1986). "Dependence of Pulmonary Absorption Kinetics on Aerosol Particle Size," <i>Z. Erkrank.</i> 166:13-24.
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	147.	Davies, C.N. et al. (May 1972). "Breathing of Half-Micron Aerosols," <i>Journal of Applied Physiology</i> . 32(5):591-600.
	148.	Dershwitz, M., M.D., et al. (September 2000). "Pharmacokinetics and Pharmacodynamics of Inhaled versus Intravenous Morphine in Healthy Volunteers," <i>Anesthesiology</i> . 93(3): 619-628.
	149.	Finlay, W.H. (2001). "The Mechanics of Inhaled Pharmaceutical Aerosols", Academic Press: San Diego Formula 2.39. pp.3-14 (Table of Contents). pp. v-viii.
	150.	Gonda,I. (1991). "Particle Deposition in the Human Respiratory Tract," Chapter 176, <u>The Lung: Scientific Foundations</u> . Crystal R.G. and West, J.B. (eds.), Raven Publishers, New York. pp. 2289-2294.
	151.	Graves, D.A. et al. (1983). "Patient-Controlled Analgesia," <i>Annals of Internal Medicine</i> . 99:360-366.
	152.	Hatsukami D, et al. (May 1990) "A method for delivery of precise doses of smoked cocaine-base to humans." <i>Pharmacology Biochemistry & Behavior</i> . 36(1):1-7.

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153.	Heyder, J. et al. (1986). "Deposition of Particles in the Human Respiratory Tract in the Size Range 0.005-15 μ m," <i>J. Aerosol Sci.</i> 17(5):811-822.
154.	Huizer, H., "Analytical studies on illicit heron. V. Efficacy of volatilization during heroin smoking." <i>Pharmaceutisch Weekblad Scientific Edition</i> (1987). 9(4):203-211.
155.	Hurt, R.D., MD and Robertson, C.R., PhD, (October 1998). "Prying Open the Door to the Tobacco Industry's Secrets About Nicotine: The Minnesota Tobacco Trial," <i>JAMA</i> 280(13):1173-1181.
156.	Lichtman, Aron H., et al., "Inhalation exposure to volatized opioids produces antinoception in mice," <i>JOURNAL OF PHARMACOLOGY AND EXPERIMENTAL THERAPEUTICS</i> , Vol. 279(1), 1996, pages 69-76.
157.	Lichtman, Aron H. et al. (2000) "Pharmacological evaluation of aerosolized cannabinoids in mice," <i>European Journal of Pharmacology</i> 399:141-149.
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159.	Mattox, A.J. and Carroll, M.E., (1996). "Smoked heroin self-administration in rhesus monkeys," <i>Psychopharmacology</i> , 125:195-201.
160.	Meng, Y. et al. "Inhalation Studies With Drugs of Abuse," <i>NIDA Research Monograph</i> , (1997) 173:201-224.
161.	Meng, Y., et al. (1999). "Pharmacological effects of methamphetamine and other stimulants via inhalation exposure," <i>Drug and Alcohol Dependence</i> . 53:111-120.
162.	Office Action mailed 8/13/2003 for US application 10/153,313 filed 05/21/2002 "DELIVERY OF BENZODIAZEPINES THROUGH AN INHALATION ROUTE"
163.	Pankow, J.F. et al. (1997). "Conversion of Nicotine in Tobacco Smoke to Its Volatile and Available Free-Base Form Through the Action of Gaseous Ammonia," <i>Environ. Sci. Technol.</i> 31:2428-2433.
164.	Pankow, J. (March 2000). ACS Conference-San Francisco-3/26/00. Chemistry of Tobacco Smoke. pp. 1-8.
165.	Seeman, J. et al. (1999). "The Form of Nicotine in Tobacco. Thermal Transfer of Nicotine and Nicotine Acid Salts to Nicotine in the Gas Phase," <i>J. Agric. Food Chem.</i> 47(12):5133-5145.
166.	Sekine, H. and Nakahara, Y. (1987). "Abuse of Smoking Methamphetamine Mixed with Tobacco: 1. Inhalation Efficiency and Pyrolysis Products of Methamphetamine," <i>Journal of Forensic Science</i> 32(5):1271-1280.
167.	Vapotronics, Inc. (1998) located at http://www.vapotronics.com.au/banner.htm , 11 pages, (visited on June 5, 2000).
168.	Ward, M.E. MD, et al. (December 1997). "Morphine Pharmacokinetics after Pulmonary Administration from a Novel Aerosol Delivery System," <i>Clinical Pharmacology & Therapeutics</i> 62(6):596-609.

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Form PTO-1449		Docket Number: 00036.07 CON	Application Number: 10/749,539
INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>		Applicant: Joshua D. RABINOWITZ et al.	
		Filing Date: 12/30/2003	Group Art Unit: Not Yet Known

	169.	Wood, R.W. et al. (1996). "Generation of Stable Test Atmospheres of Cocaine Base and Its Pyrolyzate, Methylecgonidine, and Demonstration of Their Biological Activity." <i>Pharmacology Biochemistry & Behavior</i> . 55(2):237-248.
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EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	